

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

ROY NATHANIEL MACDONALD

PLAINTIFF

v.

Civil No. 4:17-cv-04118

SERGEANT B. GRIFFIE; CORPORAL
R. HENDERSON; HANNING; CORPORAL
C. PATTERSON; OFFICER ROGERS;
OFFICER SANDERS; and OFFICER
SCHOUMAKER

DEFENDANTS

ORDER

Plaintiff Roy Nathaniel MacDonald submitted this *pro se* action for filing on December 18, 2017. Before the Court is Plaintiff's Motion for Summary Judgment (ECF No. 31) and Defendants' Motion to Strike Plaintiff's Motion for Summary Judgment or In The Alternative Motion for New Scheduling Order Or Extension of Time to Respond to Plaintiff's Motion for Summary Judgment. (ECF No. 32). The Court finds no response is necessary to either motion.

Plaintiff filed his Complaint on December 18, 2017 (ECF No. 1) and filed an Amended Complaint on January 4, 2018. (ECF No. 6). On May 2, 2018, the Court entered an Initial Scheduling Order (ECF No. 21) setting a discovery deadline of August 30, 2018, and directing Defendants to file a Motion for Summary Judgment on or before October 1, 2018.

On June 21, 2018, Plaintiff moved to supplement his Complaint adding three additional defendants – Officer Rogers, Officer Sanders and Officer Schoumaker. (ECF No. 23). The Court granted Plaintiff's motion on July 10, 2018. (ECF No. 26). To date, service has not been perfected on the three additional defendants.

Plaintiff filed a Motion for Summary Judgment on August 30, 2018. (ECF No. 31). Defendants correctly point out that Plaintiff's motion fails to comply with the requirements of Rule

56 of the Federal Rules of Civil Procedure because the motion does not assert specific facts or address specific issues to where no genuine issue of fact remains, is not accompanied by a brief consisting of a statement of relevant facts and applicable law, and Plaintiff has not submitted a separate statement of undisputed facts as required by Local Rule 56.1(a). Even if the Court liberally construes Plaintiff's motion, the motion is clearly premature because three named defendants have not yet been served.

Accordingly, Defendants' Motion to Strike Plaintiff's Motion for Summary Judgment (ECF No. 32) is **GRANTED**. **The Clerk is DIRECTED to strike Plaintiff's Motion for Summary Judgment (ECF No. 31).** Once Officer Rogers, Officer Sanders and Officer Schoumaker are served and file an answer to Plaintiff's Complaint, the Court will enter an Amended Scheduling Order extending the deadlines for the parties to conduct discovery and file various motions.

IT IS SO ORDERED this 6th day of September 2018.

/s/ Barry A. Bryant
HON. BARRY A. BRYANT
UNITED STATES MAGISTRATE JUDGE